

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

Karen Testerman, et al.

v.

Civ. No. 23-cv-499-JL-AJ

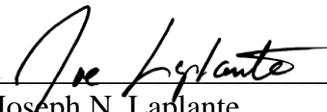
NH Secretary of State, et al.

ORDER

On December 26, 2023, the court scheduled a hearing for January 5, 2024 to address the issue of plaintiffs' standing. (Doc. No. 48). In advance of that hearing, the court conducted an in-chambers conference to address the procedures applicable to the hearing as well as subpoenas plaintiffs issued to defendants Scanlan and Ager requesting production of certain documents. Secretary Scanlan moved to quash the subpoena issued to him. (Doc. No. 54) while Defendant Ager similarly objected to the subpoena, under [Fed. R. Civ. P. 45\(d\)\(2\)\(B\)](#). All counsel of record and the pro se plaintiffs attended the conference.

After considering the parties' filings and arguments, the court grants defendant Scanlan's motion to quash and sustains defendant Ager's objection. The plaintiffs provided good faith straightforward explanations of the information they plan to elicit from Ager and Secretary Scanlan. That information, while relevant to the merits of plaintiffs' claims, is not relevant to the jurisdictional issue of standing. Further, defendants' counsel stipulated to the authenticity of the requested documents. Thus, the subpoenas would not yield relevant evidence for the hearing on standing. This ruling is without prejudice to the plaintiffs' ability to subpoena any witness for a potential eventual hearing on the merits of their request for injunctive relief, in accordance with the Federal Rules of Civil Procedure.

SO ORDERED.



Joseph N. Laplante
United States District Judge

Dated: January 3, 2024

cc: Karen Testerman, pro se
Lynn-Diane Briggs, pro se
Wayne Paul Saya, Sr., pro se
Brendan Avery O'Donnell, Esq.
Bryan K. Gould, Esq.
Jacob Rhodes, Esq.